

Remarks

The Applicants have amended the title to correspond with the title in the English translation of the Specification.

The Applicants confirm the earlier election of Claims 1-12 from the restriction requirement. The Applicants have cancelled all of Claims 1-23 and substituted new Claims 24-35. The new claims are based on Claims 1-12, respectively. However, each of the new claims is directed to a high strength stainless steel "seamless" pipe. Support may be found throughout the Applicants' original Specification such as on page 22 in paragraph [0055], for example. Entry of the new claims into the official file is respectfully requested.

Claims 1-12 stand rejected under 35 U.S.C. §112 as being indefinite. The Applicants respectfully submit that the cancellation of Claims 1-12 and substitution of new Claims 24-35 renders that rejection moot. Withdrawal of the rejection is respectfully requested.

Claims 1-12 stand rejected under 35 U.S.C. §103 as being obvious over Kushida. The Applicants again note that the cancellation of Claims 1-12 renders that rejection moot. Nonetheless, the Applicants will address the rejection as it theoretically might apply to new Claims 24-35. In that regard, the Applicants note with appreciation that the Examiner's detailed comments hypothetically applying Kushida to the individual claims. The Applicants nonetheless respectfully submit that Claims 24-35 are not obvious over Kushida. Reasons are set forth below.

By way of background, Kushida discloses a large-diameter steel pipe wherein seam-welded portions are included. That product is for use as a linepipe. That product is not directed to high strength pipe for use in oil wells as are the claimed pipes. The claimed "seamless" pipes do not include seam welds and thus the Applicants' pipes and the Kushida pipes are quite different. Furthermore, the pipes are applied to very dissimilar applications.

The Applicants' claimed "seamless" pipes clearly distinguish over the seam welded pipes of Kushida. Moreover, the claimed "seamless" pipes are not rendered obvious over Kushida because the uses and characteristics of those pipes are completely different. Thus, one skilled in the art would not look to Kushida which have a pipe with seam welded portions when attempting to produce a pipe that has high strength because it will be used in oil wells, a generally high overall corrosion resistance and excellent sour resistance properties. Accordingly, the Applicants

respectfully submit that one skilled in the art would have no motivation to look to Kushida when trying to develop a completely different product.

Because Kushida contains seam-welded portions, the structure of the Kushida product pipes is not homogeneous. The base material portions are martensite or martensite + ferrite, but contain welded metal portions which are of a martensite + austenite structure. In sharp contrast, the claimed seamless pipes do not include seam-welded portions. Therefore, the entire structure of the pipes is homogeneous. Hence, ferrite is present throughout the Applicants' whole pipe and a separate martensite + austenite structure in the seam-welded portion is not present.

Kushida produces a steel pipe by performing steps of rolling plates, cold bending the plates and jointing the plates by welding. In sharp contrast, the Applicants produce pipes from billets by hot rolling. Cold rolling strain is present in the Kushida pipes produced by cold rolling and attempts to increase strength cause various types of trouble such as in sour resistance property. Thus, high strength materials which the Applicants obtain are unable to be produced by Kushida. As may be seen in the Kushida examples, strength is X80 grade, but of high strength of 110 grade or 125 grade, which the Applicants' pipes regularly achieve, is unable to be achieved in Kushida. Pipes produced by cold bending a plate, as in Kushida, cannot be used for high strength pipes for use in oil wells to which the Applicants' pipes are directed.

The Applicants respectfully submit that these differences are borne out by the Kushida disclosure itself. The Applicants invite the Examiner's attention to Tables 2, 3 and 4 for the yield strengths of the base metal at both room temperature and 100°C. The yield strengths in the case of room temperature range from 570 to 633, while the yield strengths at 100°C range from 530 to 601. All of these yield strengths are meaningfully lower and outside of the Applicants' high strength stainless steel pipe which have yield strengths of 654 MPa as set forth in paragraph [0001] of the Applicants' originally filed Application. Thus, with yield strengths that are appreciably lower than those of the Applicants' pipes, the Kushida pipes do not qualify as high strength steel pipes and are not suitable for use in oil wells.

In any event, the Applicants respectfully submit that the Kushida disclosure, which factually discloses base materials for steel pipes having substantially lower yield strengths, would not provide any motivation to one skilled in the art to look to Kushida to increase such yield strengths. In fact, Kushida is completely devoid of teachings that would lead one skilled in the art to modify Kushida

in a way that even could result in the higher yield strengths. Thus, the Applicants respectfully submit that Kushida is non-enabling with respect to providing teachings or guidance to those skilled in the art as to how to achieve high strength steel seamless pipes having a yield strength of 654 MPa or more. Therefore, the Applicants respectfully submit that Kushida is inapplicable. Withdrawal of the rejection is respectfully requested.

Claims 1-12 stand provisionally rejected on the grounds of non-statutory obviousness-double patenting under Claims 25-36 of co-pending Application No. 10/576,885. The Applicants respectfully submit that the rejection is now moot in view of the cancellation of Claims 1-12. In any event, the Applicants respectfully submit that inasmuch as the rejection is "provisional," further treatment of the rejection can be held in abeyance.

In light of the foregoing, the Applicants respectfully submit that the entire Application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,



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